

OCT 15 2003



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert D. White
Serial No. 10/642,769
Filing Date: August 18, 2003
Title: *System and Method for Managing Dedicated Use of a Credit Account*

**MAIL STOP: PETITIONS
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

**CERTIFICATE OF MAILING
BY EXPRESS MAIL**

I hereby certify that this communication is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Willie Jiles
Willie Jiles

Date: October 14, 2003.

Exp. Mail Receipt No. EV 324625707 US

Dear Sir:

Petition to Make Special Under 37 C.F.R. § 1.102(d)

Applicant submits this Petition under 37 C.F.R § 1.102(d) to make this Application special.

Pre-Examination Search

The professional search firm Intellectual Property Concerns, Inc., has made a pre-examination search. The search included Class 705, Subclasses 35 and 38-41. Foreign patents and literature were also searched.

10/17/2003 220000140 10542769

01 FEB2004

000.00 UP

The search uncovered the following references:

1. U.S. Patent Application Publication No. US 2003/0061097
Inventors: J. S. Walker et al.
Title: *System and Method for Managing Customized Reward Offers*
2. U.S. Patent Application No. US 2002/0082920
Inventors: Kermit Austin and Don Mastrangelo
Title: *System and Methods for Providing a Multi-Merchant Loyalty Program*
3. U.S. Patent Application Publication No. US 2003/0115100
Inventor: Mordechai Teicher
Title: *System and Method for Receiving and Redeeming Loyalty Incentives*
4. U.S. Patent Application Publication No. US 2003/0050831
Inventor: John Klayh
Title: *System for Distribution and Redemption of Loyalty Points and Coupons*
5. U.S. Patent Application Publication No. US 2003/0105689
Inventors: Sanjeev Kumar Chandak et al.
Title: *Methods, Systems and Articles of Manufacture for Managing Financial Accounts with Reward Incentives*
6. U.S. Patent Application Publication No. US 2003/0061093
Inventor: Donald L. Todd
Title: *System for Rewarding Customers of Financial Services Providers*
7. U.S. Patent Application Publication No. US 2003/0097270
Inventors: Eric Lee Musselwhite et al.
Title: *Methods, Systems and Articles of Manufacture for Providing Financial Accounts with Incentives*

Detailed Discussion of the References

U.S. Patent Application Publication No. US 2003/0061097 discloses a method for managing reward offers. A first performance target that is associated with a financial account is determined. Transaction data that is associated with the financial account is received, and a second performance target for the financial account is determined based on the transaction data.

U.S. Patent Application Publication No. US 2002/0082920 discloses a loyalty system for awarding incentives to a customer based on a multi-merchant loyalty system. The loyalty system includes a master loyalty program associated with the multi-merchant loyalty system, at least one merchant specific loyalty program associated with the multi-merchant loyalty system, a means for providing a merchant access to the multi-merchant loyalty system, and a means for providing a customer choice of an incentive. In addition, the invention provides a method for promoting merchant loyalty. The method defines the master loyalty program for a multi-merchant loyalty system, registers a merchant specific loyalty program for the multi-merchant loyalty system, and provides a merchant access to the multi-merchant loyalty system.

U.S. Patent Application Publication No. US 2003/0115100 discloses a system for managing loyalty incentives for a customer, including a personal loyalty account at a centralized server assigned to the customer for storing the balance of a first amount of loyalty incentives for the customer, a loyalty card carried with the customer for identifying and accessing the personal loyalty account and including a loyalty purse for storing a second amount of loyalty incentives, a first merchant terminal operable to interface with the loyalty card for awarding the customer an awarded amount of loyalty incentives by selecting whether to add the awarded amount to the loyalty purse or to add a first pre-defined amount of loyalty incentives to the loyalty account and receive the difference between the first pre-defined amount and the awarded amount from the loyalty purse.

U.S. Patent Application Publication No. US 2003/0050831 discloses a system for controlling a customer reward system including a first database for storing customer identifications, and for accumulated loyalty points awarded to the customer, and administration terminal for establishing loyalty point values associated with any of plural pre-determined activities, and for storing the values and identities of associated activities, in a second database, a reading terminal for reading the identity of a customer at a location of the terminal, first apparatus located in the region of the reading terminal for detecting an activity of the customer, and second apparatus for accessing the second database, looking up the

activity of the customer, and depositing corresponding loyalty points in the first database in association with an identification of the customer.

U.S. Patent Application Publication No. US 2003/0105689 discloses methods, systems, and articles of manufacture for providing a reward incentive credit card product. Customers may be offered a reward incentive credit card product from a credit card issuer that allows the customer to accumulate reward points based on payments received by the credit card issuer. The reward points may be used to obtain consumer goods from the credit card issuer and/or third party vendors. The credit card issuer may adjust the number of reward points associated with the customer's account based on determined criteria and parameters including the amount of payment received by the credit card issuer and the timeliness of the payment. Based on an aggregated number of reward points accumulated by the customer, based on his/her payment activities, customer may be provided with an indication reflecting consumer goods, such as goods and/or services, that the customer is eligible to obtain using the accumulated reward points.

U.S. Patent Application Publication No. US 2003/0061093 discloses a system for use by a financial institution to monitor transactions completed by users of financial services offered by the institution, and to reward users based on the completed transactions. The system includes at least one central processing unit (CPU) with a memory for storing user records, account records that track transactions of individual users, and reward records that accumulate points or otherwise reflect accumulated value, based on transactions. The CPU also contains software to generate a reward value based on each transaction. The reward value is based in part on the transaction amount, but also can take into account the location and timing of the transaction, the type of transaction, accumulated reward value and accumulated transaction amounts.

U.S. Patent Application Publication No. US 2003/0097270 discloses methods, systems and articles of manufacture for providing advantage credit card products to customers. A financial account provider may provide a consumer with a financial account

that may be used for purchase transactions with vendors. Additionally, the financial provider may allow the consumer to select a vendor to be associated with the financial account. Thereafter, the financial account provider may charge fees to the financial account for purchase transactions with the selected vendor based on advantage account parameters. Furthermore, fees may be charged to the financial account by the financial account provider for purchase transactions with other vendors based on standard account parameters. One or more advantage account parameters may include terms that are more favorable to the consumer than terms associated with standard account parameters. For instance, the advantage account parameters may include an interest rate that is lower than an interest rate included with the standard account parameters.

Applicant's Claims are Patentable Over the References

Applicant's claims recite limitations that are not disclosed, taught, or suggested in the references discussed above. As an example, none of the references discloses, teaches, or suggests "associating the credit account with a usage program, the usage program comprising one or more terms of dedicated use, the terms of dedicated use associated with providing a benefit to the customer in return for dedicated use of the credit account." As another example, none of the references discloses, teaches, or suggests "providing the benefit to the customer according to the terms of dedicated use." As yet another example, none of the references discloses, teaches, or suggests "maintaining the benefit if the monitored credit activity satisfies the terms of dedicated use." Accordingly, for at least these reasons, Applicant's claims are patentable over the references discussed above.

Conclusion

Applicant respectfully requests, under 37 C.F.R § 1.102(d), that this Application be granted special status. Enclosed is a check in the amount of \$130.00 for this Petition. The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Jay B. Johnson
Reg. No. 38,193

Date: October 14, 2003.

Correspondence Address:
Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Tel. 214.953.6431

Customer Number: 05073